

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:09CR349
)	
v.)	
)	
THEODORE MANOS,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the court sua sponte. Defendant has filed a motion to vacate and set aside judgment and sentence. Filing No. 58. The court has reviewed the motion and finds it is more appropriately characterized as an habeas corpus motion pursuant to 28 U.S.C. § 2255. Accordingly, the court will treat it as such.

THEREFORE, IT IS ORDERED that the Clerk of Court will designate this motion as one pursuant to 28 U.S.C. § 2255 and will make the appropriate changes.

DATED this 21st day of December, 2010.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge